

Assuring Equal Access to Job Seekers with Disabilities in Missouri's One-Stops

"We have the opportunity to build from the ground up a re-employment system that includes state-of-the-art access for job seekers with disabilities."

Robert B. Reich, Former Secretary of Labor

I. Legal Requirements

The Workforce Investment Act (WIA), Americans with Disabilities Act (ADA), and Missouri state statute clearly require architectural and program access in the One-Stop employment centers. The general requirements for access in the WIA and ADA are as follows:

- ◆ **Workforce Investment Act of 1998, Section 188 - Nondiscrimination**

As clarified in §29 CFR Part 37, requires a recipient to provide both accessible facilities (that is, both program accessibility and architectural accessibility) and reasonable accommodations, as modeled by Title II of the Americans with Disabilities Act.

- ◆ **Americans with Disabilities Act, Title II - §35.150, Existing Facilities**

A public entity shall operate each service, program, or activity so that the service, program or activity, when viewed in its entirety is readily accessible to and useable by individuals with disabilities. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

Further specific requirements regarding communication access (as a part of program access) is found in the following regulations for the Workforce Investment Act. The WIA regulations are modeled on the ADA Title II regulations, subjecting recipients to similar obligations and responsibilities under both laws.

- ◆ **29 CFR, Part 37: Implementation of the Non-Discrimination and Equal Opportunity Provisions of the Workforce Investment Act**

Sec. 37.9 What are the recipient's responsibilities to communicate with individuals with disabilities?

- a) *Recipients must take appropriate steps to ensure that communications with beneficiaries, registrants, applicants, eligible employees and members of the public who are individuals with disabilities, are as effective as communications with others.*

- b) *A recipient must furnish appropriate auxiliary aids or services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the WIA Title I—financially assisted program or activity. In determining what type of auxiliary aid or service is appropriate and necessary, such recipient must give primary consideration to the requests of the individual with a disability.*
- c) *Where a recipient communicates by telephone with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, and/or employees, the recipient must use telecommunications devices for individuals with hearing impairments (TDDs/TTYs), or equally effective communications systems, such as telephone relay services.*
- d) *A recipient must ensure that interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities and facilities.*
- e) (1) *A recipient must provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The signage provided must meet the most current standards prescribed by the General Services Administration under the Architectural Barriers Act at 41 CFR 101-19.6. Alternative standards for the signage may be adopted when it is clearly evident that such alternative standards provide equivalent or greater access to the information.*

Note: One-Stop Career Centers in Missouri are designated facilities delivering state services and as such must be accessible per the Americans with Disabilities Act Accessibility guidance as noted in the standards section of this document.

- (2) *The international symbol for accessibility must be used at each primary entrance of an accessible facility.*
- f) *This section does not require a recipient to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity.*
 - (1) *In those circumstances where a recipient believes that the proposed action would fundamentally alter the WIA Title I—financially assisted [[Page 61725]] program, activity or service, the recipient has the burden of proving that the compliance would result in such an alteration.*
 - (2) *The decision that compliance would result in such an alteration must be made by the recipient after considering all resources available for use in the funding and operation of the WIA Title I—financially assisted program, activity, or service, and must be accompanied by a written statement of the reasons for reaching that conclusion.*

(3) If an action required to comply with this section would result in the fundamental alteration described in Paragraph (f) (1) of this section, the recipient must take any other action that would not result in such an alteration, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the recipient.

Section 37.20 What is the grant applicant's obligation to provide a written assurance?

- a) (1) Each application for financial assistance under Title I of WIA, as defined in Section 37.4, must include the following assurance: As a condition to the award of financial assistance from the Department of Labor under Title I of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:*

Section 188 of the Workforce Investment Act of 1998 . . .

Title VI of the Civil Rights Act of 1964 . . .

Section 504 of the Rehabilitation Act of 1973 . . .

The Age Discrimination Act of 1975 . . .

Title IX of the Education Amendments of 1972 . . .

The grant applicant also assures that it will comply with 29 CFR, part 37 and all other regulation implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I--financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

RSMo §191.863

When developing, procuring, maintaining or using information technology, each state department or agency shall ensure, unless an undue burden would be imposed on the department or agency, that the information technology allows employees, program participants and members of the general public access to and use of information and data that is comparable to the access by individuals without disabilities.

II. Access Standards

A. Architectural Access

Each One-Stop Center shall be housed in facilities that meet ADAAG standards for access, including but not limited to, standards for building access, accessible parking, Braille and raised letter signage and visual alerting. Standards for architectural access are provided by the Americans with Disabilities Access Guidelines (ADAAG). These are national standards for facility access developed by the Access Board.

B. Program Access

Each One-Stop shall provide program access, including communication access, as required by the WIA and ADA. Unlike architectural access, there are no national standards for program and communication access. Missouri has developed and adopted the following standards to assist One-Stop Centers comply with the communication access requirements of the WIA and ADA.

These standards were developed based on input from representatives of the disability community as providing a basic floor of communication access to core one-stop services in a cost-effective manner. Implementation of these standards will provide communication access to a wide range of individuals with visual, hearing, physical, cognitive, and other disabilities. However, additional communication accommodations may be needed to meet unique disabilities or combinations of disabilities.

- (1) **Telephony** - Each One-Stop Center shall provide the following basic assistive technology that ensures effective communication with voice telecommunications for individuals with disabilities:
 - a) Amplified Telephone - Consumers with moderate to severe hearing loss will benefit from a telephone with high-grade amplification, 30 to 40 dB of gain, either as a built-in feature of the phone or as an "in-line" addition. Such phones should be placed in quiet areas, removed from ambient noise, to support maximum speech discrimination.
 - b) TTY with Printout - Individuals who have hearing or speech disabilities can communicate by telephone through the use of a text telephone, referred to as a TTY. A TTY uses a keyboard to type messages, a display to receive messages, and some means of connecting to the telephone.
 - c) Hands-Free SpeakerPhone with Large Keypad - Individuals who have difficulty holding a receiver and/or dialing numbers will benefit from a telephone with an enlarged keypad and speaker phone access.
- (2) **Computer Data and Sound** - Each One-Stop Center shall provide the following basic assistive technology that ensures effective communication with computer input and output for individuals with disabilities:
 - a) 19"-21" Large Monitor with Moveable Mounting Arm - Effective for persons with low-vision. Provides for increased character size in proportion to monitor dimensions and provides a crisper, sharper image.

- b) Screen Enlargement Software - Also effective for persons with low vision and can be paired with a large monitor. Allows for enlargement of print on the monitor's screen, enabling the user to review a document with the text magnified to a comfortable size and with the colors of the screen adjusted for best contrast. The user can use any part of the screen by scrolling up, down or across.
- c) Speech Synthesizer and Screen Reading Software - Effective for persons with visual disabilities and reading limitations (e.g. persons with learning disabilities in print decoding and reading comprehension.) The hardware component of the speech access system, the speech synthesizer, can be a portable external device or an internal circuit board. The screen reading program "instructs" the synthesizer. Screen reading software allows users to access commercial software applications and convert text or graphics display to verbal output.
- d) Flatbed Scanner - Effective for persons with all types of disabilities who need information in digital rather than print form. The scanner is an add-on to the computer that converts an image from a printed page to a computer file.
- e) Trackball - Trackballs are an alternative to the mouse for consumers who have gross motor skills, but lack fine motor skills. A trackball is essentially an upside down mouse, with a moveable ball on top of a stationary base. The ball can be rotated with a pointing device, hand, or forearm.
- f) Alternative Keyboard - An alternative keyboard is a modified version of the standard keyboard which supports key selection by variable hand and finger motion. Consumers who might benefit from an alternative keyboard include one-handed typists, those who benefit from a different keyboard layout, those with limited use of their hands, those with limited gross or fine motor skills and those who fatigue easily.
- g) Word Prediction Software - Word prediction software enables the user to reduce the number of keystrokes used in typing by the selection of a desired word from an on-screen list or prediction window. This computer-generated list predicts words from the first one or two letters typed by the user. The word may then be selected from the list and inserted into the text. Individuals with significant physical disabilities and those with learning disabilities in writing and written expression benefit from this software.
- h) Large Keyboard Caps and Keyboard Orientation Aids - These key markings assist low vision users by enlarging letters and numbers on the keyboard. Many keyboards already have a raised dot or other tactile marker on home row keys to give orientation.

- i) Height Adjustable Table - Conventional tables are often not functional for wheelchair users or people of short stature. Height adjustable tables allow for adaptation to comfort height levels for computer use and other tasks. If assistive technology, beyond these basic devices, is needed to provide access to computer sound and data, the One Stop Center shall secure such assistive technology or provide an alternative method of access.
- (3) **Print Materials** - Each One-Stop Center shall provide effective communication with print materials via the following assistive technology:
- a) Tape Recorder - A tape recorder can be used by One-Stop staff to record print information for consumers who have visual disabilities or reading disabilities, so they can listen to the information instead of reading.
 - b) Electronic Enlarging - The magnification of print material by a closed circuit television system allows low vision users to read a full range of print materials. Electronic enlarging devices should have stationary beds for material placement (rather than hand-held cameras) and a 14-inch display monitor.

In providing alternative methods of print access, each One-Stop Center shall be able to produce a full range of alternative format materials (disk, Braille, large print, and audio) either with internal staff or by securing the services of external resources. Core One-Stop Center information (such as Center brochures) shall be available in all alternative formats without special request. For all other materials, each Center shall establish procedures and timelines for consumers to request the alternative format needed.

- (4) **Aurally Communicated Information** - Each One-Stop Center shall provide effective communication with auditory information via the following assistive technology:
- a) Portable Assistive Listening Device - Assistive listening devices are most often used by hard-of-hearing individuals with mild to severe hearing loss. The main function of an assistive listening device is to increase the loudness of specific sounds (in most cases the speaker) while also reducing background noise, allowing increased understanding of speech.
 - b) Captioning Display - Captioning display devices allow for viewing of text captions that correspond to the speech in videotapes and similar media. Caption decoders or built-in decoding chips in the video display equipment provide access to the text provided the media has captioning.

In providing alternative methods of oral communication access, each One-Stop Center shall be able to provide a full range of communication options (sign language interpreters certified at intermediate or above, real-time captioners, assistive listening devices). Each Center shall establish procedures and time lines for consumers to request oral communication options they need to participate in Center services. Delivery of both interpreter and real-time captioning services will likely involve contracting with external providers. [Reminder: request for auxiliary aids and services are the responsibilities of the consumer] Computer Assisted Real-Time (CART) captioning is provided by a "real-time" trained court stenographer with specialized equipment that allows for immediate transcription of steno-code into readable text. Interpreters are state certified and licensed and attention should be paid to the type of language interpreting needed by the consumer (e.g. American Sign Language, Manually Coded English, oral interpreting, etc.).

III. Implementation

A. Policy Development

Policies shall be developed and resources allocated to assure facility and program access. Such policies shall include adoption of the standards described in Section II as requirements for a basic floor of access. In addition, procedures shall be developed describing how communication access, beyond that provided by the standards in Section II, will be provided by One-Stops when necessary for program access and effective communication. Procedures shall be developed to complete the following:

- (1) Architectural barriers shall be removed and access features added as necessary for ADAAG compliance in each One-Stop Center.
- (2) Basic assistive technology, meeting the standards in section II, shall be purchased and installed in each One-Stop Center to assure access to telephony, computer data/sound, print, and oral communication. (See Attachment 1 for product suggestions to assist in equipment purchasing.)
- (3) Training and/or technical assistance on an on-going basis shall be provided to staff in each One-Stop Center regarding:
 - the installation and use of basic assistive technology purchased;
 - procedures and local resources to be used in the arrangement of access services such as sign language, interpreting, braille transcription, etc;
 - how to respond to request for auxiliary aids and services beyond those provided in Section II; and
 - guidance on disability etiquette and culture.

Training and/or technical assistance providers could include Rehabilitation Services for the Blind, Division of Vocational Rehabilitation, and various community based organizations such as Centers for Independent Living.

- (4) Each One-Stop Center and One-Stop Affiliate/Satellite sites shall have a written plan in place on how they will accommodate the program and architectural access needs of persons with disabilities. Details of the program and architectural access plan should be incorporated into the Memorandum of Understanding between the One-Stop partners and the Local Workforce Investment Boards.
- (5) Each One-Stop Affiliate/Satellite sites shall have no less than minimum ADA compliance.
- (6) Each One-Stop Centers shall have assistive technology, per Section II, in place by July 1, 2001.

B. Material Development

Promotional materials, in a variety of accessible formats and media, shall be developed to market the availability of accessible technologies and services at the One-Stop Centers.

Sample Copy

MISSOURI WINS WORKFORCE DEVELOPMENT CENTER
802 SOUTH HIGHWAY 13
LEXINGTON, MISSOURI 64067

THE AD HOC COMMITTEE ON ACCESSIBILITY MET AT THE LEXINGTON, MO. WORKFORCE DEVELOPMENT CENTER AT 1:00 PM ON TUESDAY, JANUARY 17, 2000. MRS. JUDY O'BRIEN, SUPERVISOR, MET WITH THE COMMITTEE TO DISCUSS THE OPERATIONS AND TECHNOLOGY AVAILABLE AT THIS CENTER. MR. ROBERT HONAN, EXECUTIVE DIRECTOR, WARRENSBURG INDEPENDENT LIVING CENTER , WAS ALSO PRESENT DURING THE REVIEW.

THE CENTER IS LOCATED ON THE SOUTH SIDE OF LEXINGTON. IT IS TOTALLY ACCESSIBLE WITH BATHROOMS AND WATER FOUNTAINS MARKED FOR THE DISABLED. THE CENTER HAS 2 PHONES WHICH WILL RAISE THE DECIBEL COUNT BUT TO A LEVEL THAT WOULD BE UNSATISFACTORY TO A SEVERELY HEARING IMPAIRED PERSON. THERE IS APPROXIMATELY 14,000 SQUARE FEET OF OFFICE SPACE. THERE ARE 8 ON LINE COMPUTERS TO ACCOMMODATE CUSTOMERS USING THE RESOURCE AREA AT THE CENTER. THE CENTER HAS 6 PEOPLE AVAILABLE TO MEET WITH CUSTOMERS AT ALL TIMES. THERE ARE TWO AGENCIES PRESENT AT ALL TIMES AND 6 PARTNER AGENCIES THAT UTILIZE THE SERVICES OF THIS FACILITY. THE FACILITY DIRECTOR IS MRS. GLENDA WILSON WHO WAS UNAVAILABLE TODAY.

THE COMMITTEE EXPLAINED WHAT WAS BEING SENT AND OFFERED TO ALL CENTERS TO ASSIST THEM IN COMPLIANCE WITH WIA REGARDING HAVING ALL SERVICES AND PROGRAMS ACCESSIBLE TO THE DISABLED. THE LATEST IN TECHNOLOGY ALONG WITH NEW PROGRAMS (ELECTRONIC TECHNOLOGY CONSORTIUM) WERE DISCUSSED. THE COMMITTEE PRESENTED ITS RECOMMENDATIONS, PARTICULARLY IN THE WAY OF ASSISTIVE AIDES FOR THE BLIND AND VISUALLY IMPAIRED, AND ANSWERED QUESTIONS REGARDING TECHNOLOGY. MR. HONAN, WILS DIRECTOR, DISCUSSED THE OPERATIONS AND ASSISTANCE WHICH COULD BE OBTAINED FROM THE INDEPENDENT LIVING CENTER.

THE COMMITTEE WOULD LIKE TO THANK MRS. O'BRIEN FOR MEETING WITH US TODAY AND MRS. WILSON, FOR ALWAYS BEING WILLING TO WORK WITH THE SCHEDULING OF THE AD HOC COMMITTEE. LEXINGTON WFDC IS A QUALITY OPERATION AND IT IS HOPED ASSISTIVE TECHNOLOGY BE OBTAINED AS SOON AS POSSIBLE TO KEEP UP WITH THE LAW AND DEMANDS OF THE CUSTOMERS.